

REMARKS

This paper is responsive to the Non-Final Office Action dated September 16, 2005. Claims 1-3, 6-9, 11-14, 16, 17, 19, 20-22, 24, 25, 27, 28, 30-34 and 36-39 were examined.

Claim Rejections - 35 U.S.C. § 112

Claims 11-14, 16-17, 19, 20-22, 24-25, 27-28, 30-34 and 36-39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 11, 19, 27-28, 34 and 39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kimura (U.S. Patent No. 3,813,610).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassoun (U.S. Patent No. 6,061,418) in view of Kimura (U.S. Patent No. 3,813,610).

Applicants appreciate that claims 12-14, 21-22, 24-25, 30-34 and 36-38 are indicated as containing allowable subject matter. Applicants assume that the indication that claim 34 contains allowable subject matter is a typographical error in view of the art rejection indicated in the Office action.

Applicants further appreciate that claims 1-3 and 6-9 are allowed. A minor correction to claim 1 has been made to correct a possible antecedent basis problem.

Applicants Arguments

Claim 11

Claim 11 has been amended to more succinctly recite the invention. Claim 11 recites *wherein one or more of the divide stages is turned off when not used for a programmed divide ratio*. MPEP 2173.04 makes clear that breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the

claims comply with 35 U.S.C. § 112, second paragraph. Further, the claim language is fully supported in the specification and drawings.

Paragraph 1028 of the specification states that, for power efficiency, the divide stages 302-307 are turned on only as needed, and may be controlled by a decoder. That is shown, e.g., in Fig. 3, where, e.g., the divide stages 303, 304 and 305 are shown coupled through switches to a power supply node. Applicants respectfully submit that claim 11 fully complies with the requirement of 35 U.S.C. § 112 and that the rejection on that basis should be reconsidered and withdrawn.

Claim 11 also stand rejected as anticipated by Kimura. Claim 11 recites that *one or more of the divide stages is turned off when not used for a programmed divide ratio*. The Office action points to the AND gates 9 and switches 10 of Kimura as teaching that limitation. Kimura teaches the switches 10 are used to selectively supply the set input terminal S_D such that the flip-flop receiving a pulse at its set input terminal changes its divide ratio from 1:2 to 1:1. That does not teach turning off the divide stage. Instead, it teaches changing the divide ratio. Each of the flip-flops in the programmable divider 5 of Kimura is still used to achieve the programmed divide value. If any of the flip-flops of Kumura were turned off, the circuit of Kimura would not work. Thus, Kiumura cannot teach turning off a divide stage as claimed. Accordingly, applicants submit that claim 11 and all claims dependent thereon distinguish over the references of record.

Claim 40 has been added to recite *respective switches for selectively turning off respective divide stages according to whether the one or more divide stages is being used for the programmed divide ratio*. Claim 41 has been added to recite *respective switches selectively coupling respective ones of the divide stages to a power supply node according to whether the respective ones of the divide stages are being used for the programmed divide ratio*. The references of record fail to teach switches for turning off the divide stages or for coupling the divide stages to a power supply node.

Claim 20

Applicants believe that the functional language of claim 20 fully complies with the requirements of 35 U.S.C. § 112, second paragraph. Nevertheless, claim 20 has been amended to recite that divide stages *are selectively coupled to a power supply node through switches to selectively power divide stages used for a programmed divide ratio and at least one other of the divide stages not used for the programmed divide ratio is decoupled from the power supply node*. Applicants submit that claim 20 complies with all requirements of 35 USC § 112, second paragraph and respectfully requests that the rejection on that basis be reconsidered and withdrawn.

Claim 20 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hassoun in view of Kimura. In view of the amendments to claim 20, applicants submit that neither Hassoun or Kimura, alone or in combination teach divide stages that *are selectively coupled to a power supply node through switches to selectively power divide stages used for a programmed divide ratio and at least one other of the divide stages not used for the programmed divide ratio is decoupled from the power supply node*. Accordingly, applicants submit that claim 20 and all claims dependent thereon distinguish over the references of record.

Claim 27

Claim 27 stands rejected under 35 U.S.C. § 112, second paragraph for not reciting “means for performing the turning off function.” Applicants respectfully traverse this rejection and point out that this is a method claim. Applicants submit that the language *selectively turning off one or more of the divide stages if the one or more divide stages is not used for a desired divide ratio* is not indefinite. The fact that a more detailed method step is not provided describing exactly how the divide stage is turned off does not render the claim indefinite. The MPEP makes clear that breadth should not be confused with indefiniteness. Applicants respectfully submit that the language complies with all requirements of 35 U.S.C. § 112, second paragraph.

Claim 27 also stands rejected under 35 U.S.C. § 112, second paragraph according to the Office action “because it is unclear how the recitation “selectively feeding back an output divide stages” is read on the preferred embodiment. Claim 27 recites *selectively feeding back an*

output of a first one of the divide stages to an input of a second one of the divide stages earlier in the sequence of divide stages. Applicants respectfully point to Fig. 3 showing, e.g., stage 304 being selectively fed back to stage 303 through multiplexer 312. Thus, applicants submit that the language of the claim is clear and it is fully supported in the application. Accordingly, applicants respectfully request that the rejection of claim 27 be reconsidered and withdrawn.

Claim 27 also stands rejected Claim 11 also stand rejected as anticipated Kimura. The Office action points to the AND gates 9 and switches 10 of Kimura as teaching *selectively turning off one or more of the divide stage if the one or more divide stages is not used for a desired divide ratio.* Applicants respectfully disagree. Kimura teaches the switches 10 are used to selectively supply the set input terminal S_D such the flip-flop receiving a pulse at its set input terminal changes its divide ratio from 1:2 to 1:1. That does not teach turning off the divide stage, it teaches changing its divide ratio. Each of the flip-flops in the programmable divider 5 of Kimura is still used to achieve the programmed divide value. If any of the flip-flops of Kumura were turned off, the circuit of Kimura would not work. Thus, Kimura cannot teach turning off one or more of the divide stages as claimed. Accordingly, applicants submit that claim 27 and all claims dependent thereon distinguish over the references of record.

Claim 34

Claim 34 stands rejected under U.S.C. § 112, second paragraph because the Office action states that “no means for performing the turning off function is recited in the claim.” Applicants point to the language of claim 34, which specifically recites *means for selectively turning off one or more of the stages of the divider if the one or more stages is not used for a desired divide ratio.* Structure corresponding to the claim is shown, e.g., in Fig. 3, and described in paragraphs 1028 and 1032. Accordingly, applicants respectfully request the rejection of claim 34 under U.S.C. § 112 be reconsidered and withdrawn.

Claim 34 stand rejected under U.S.C. § 112, second paragraph because the Office action states that *means for selectively feeding back an output of at least one of the divide stages to an input of another of the divide stages* is unclear. Applicants submit that there is nothing unclear about the language and that the means clause is fully supported in the specification. Applicants point to Fig. 3 showing, e.g., stage 304 being selectively fed back to stage 303 through

multiplexer 312. Thus, applicants submit that the language of the claim is clear and it is fully supported in the application. Accordingly, applicants respectfully request that the rejection of claim 34 under U.S.C. § 112 be reconsidered and withdrawn.

Claim 34 also stands rejected as anticipated Kimura. Applicants respectfully submit that *means for selectively turning off one or more of the stages of the divider if the one or more stages is not used for a desired divide ratio* is not taught by Kimura. The Office Action points to the switches 10 and the AND gates 9. Kimura teaches the switches 10 are used to selectively supply the set input terminal S_D such the flip-flop receiving a pulse at its set input terminal changes its divide ratio from 1:2 to 1:1. That does not teach turning off the divide stage, it teaches changing its divide ratio. Each of the flip-flops in the programmable divider 5 of Kimura is still used to achieve the programmed divide value. If any of the flip-flops of Kimura were turned off, the circuit of Kimura would not work. Thus, Kimura cannot teach turning off divide stages. Accordingly, applicants submit that claim 34 and all claims dependent thereon distinguish over the references of record.

Summary

Claims 1-3, 6-9, 11-14, 16, 17, 19, 20-22, 24, 25, 27, 28, 30-34, and 36-41 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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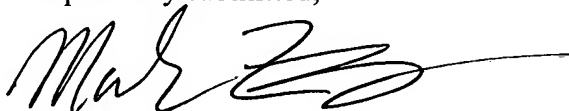
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